

### **REMARKS/ARGUMENTS**

The Applicants have reviewed the Office Action dated January 25, 2006 and submit this amendment for entry under the provisions of 37 C.F.R. §1.116 as these amendments comply with requirement of form expressly set forth in the previous office action, place the application into condition for allowance or presents the claims into better form for consideration on appeal. As is further discussed below, the Applicants assert that the finality of this office action is improper, and that these amendments should be entered under 37 C.F.R. 1.111. Reexamination and reconsideration of this application is requested. By this amendment, Applicants have amended the specification and Claims 16 and 17. After this amendment, claims 11-23 are pending in this application.

#### **Finality of Subject Office Action is Improper**

The Applicants point out that the final Office Action dated January 25, 2006 rejected claims 16-18 under 35 U.S.C. §101 for the first time during the prosecution of this case. A rejection based on non-statutory the subject matter under 35 U.S.C. §101 of any claims in this application has never been raised during the prosecution of this case. The Applicants assert that no amendments made by the Applicants prior to this final office action have affected the classification of the subject matter of claims 16-18 as being non-statutory.

The Applicants have amended independent claims 16 and 17 only to overcome the new rejection under 35 U.S.C. §101. The Applicants assert that the finality of the office action dated January 25, 2006 should be reversed based upon this totally new rejection under a completely new statutory basis that had never been raised during the prosecution of this case and that these amendments should be entered under 37 C.F.R. §1.111. In the event that these amendments do not overcome this rejection, the Applicants assert that a new office action should be issued.

### **Objections to the Drawing**

The drawings were objected to due to specified minor informalities. The Applicants have corrected Figures 1 and 5 as specified by the Examiner. The Applicants have further amended Figure 6 by removing reference number 600, which was not mentioned in the description. The Applicants believe that the objections to the Drawings have been fully overcome by these corrections and amendments.

### **Objections to the Specification**

The disclosure was objected to due to specified informalities. The Applicants have amended the specification to provide the corrections specified by the Examiner. The Applicants believe that the objections to the specification have been overcome by these amendments.

### **Claim Rejections - under 35 USC § 101**

The Examiner rejected Claims 16-18 under 35 U.S.C. 101 as being directed to non-statutory subject matter. The Applicants have amended independent computer readable medium claims 16 and 17 to more clearly specify that these claims are drawn to "computer readable medium having computer instructions tangibly encoded therein." Dependent claim 18 depends from claim 17, and therefore includes this description. The Applicants assert that having computer instructions tangibly encoded in a computer readable medium satisfies the statutory subject matter requirement as recited by the Examiner. See, Office Action dated January 25, 2006, page 4, second paragraph. With further regards to the statutory subject matter of these claims, the Applicants assert that the instructions for sending, as respectively recited by independent claims 16 and 17, provides a "concrete, useful, and tangible result" as is required by the Statute.

### **Allowable Subject Matter**

The Applicants wish to thank the Examiner for indicating the allowable subject matter of claims 11-15 and 19-23.

**Conclusion**

The foregoing is submitted as full and complete response to the Official Action mailed January 25, 2006, and it is submitted that Claims 11-23 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of Claims 11-23 is earnestly solicited.

As discussed above, the Applicants assert that the finality of the Office Action dated January 25, 2006 should be withdrawn.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §§ 1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment is limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

**If the Examiner believes that there are any informalities that can be corrected by Examiner's amendment, or that in any way it would help expedite the prosecution of the patent application, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.**

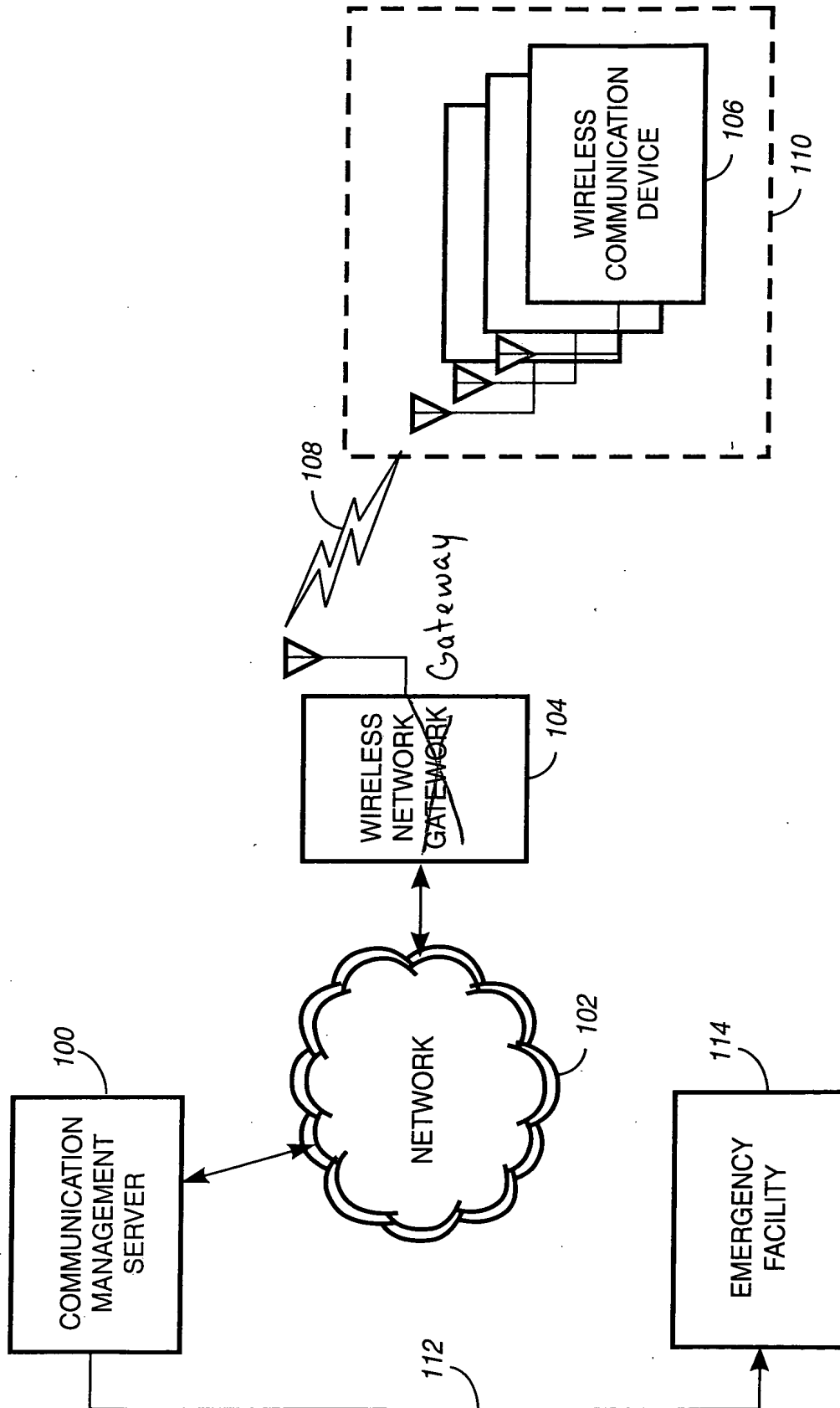
In view of the preceding discussion, it is submitted that the claims are in condition for allowance. Reconsideration and re-examination is requested.

Respectfully submitted,

Date: April 25, 2006

By: 

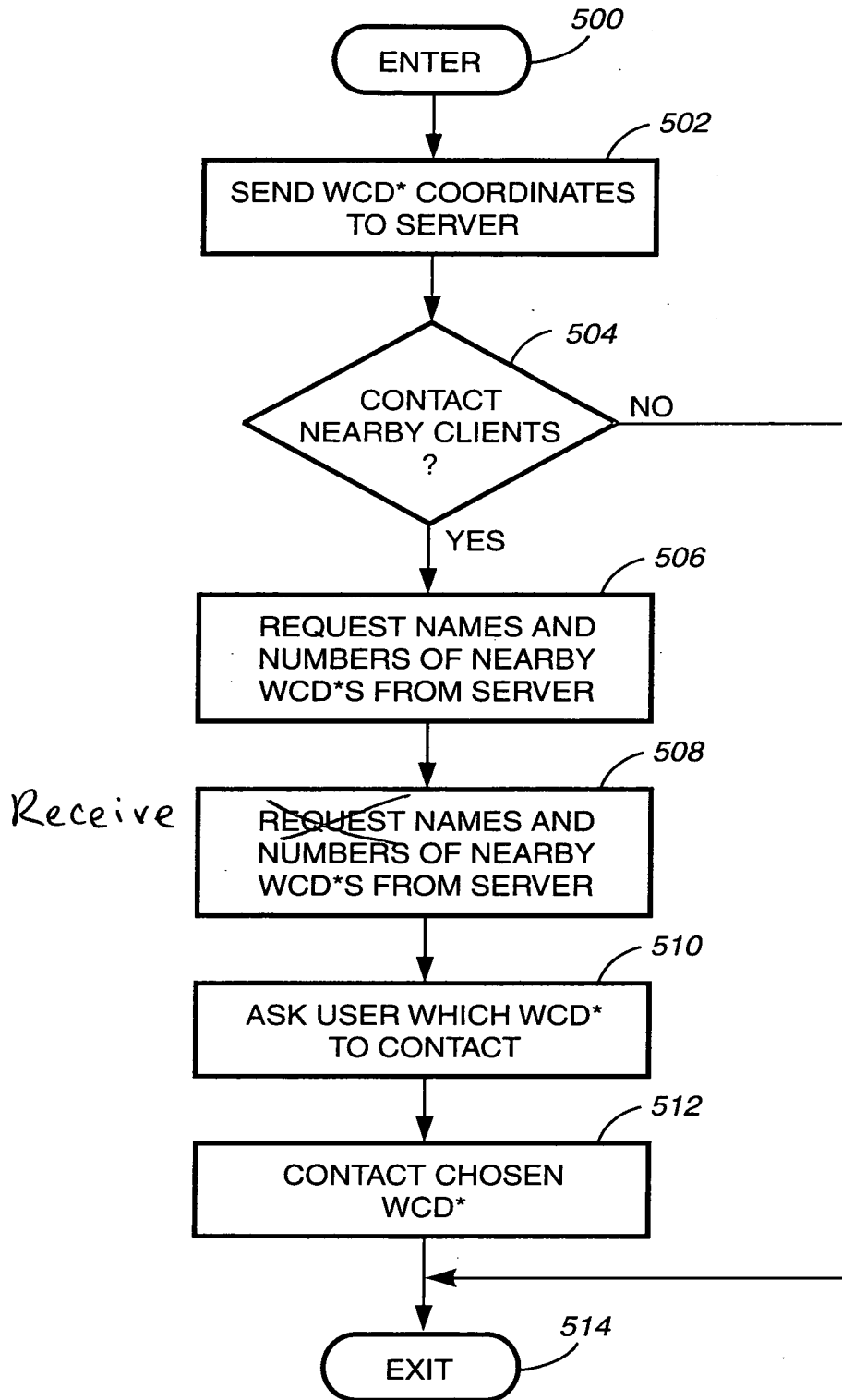
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**FIG. 1**



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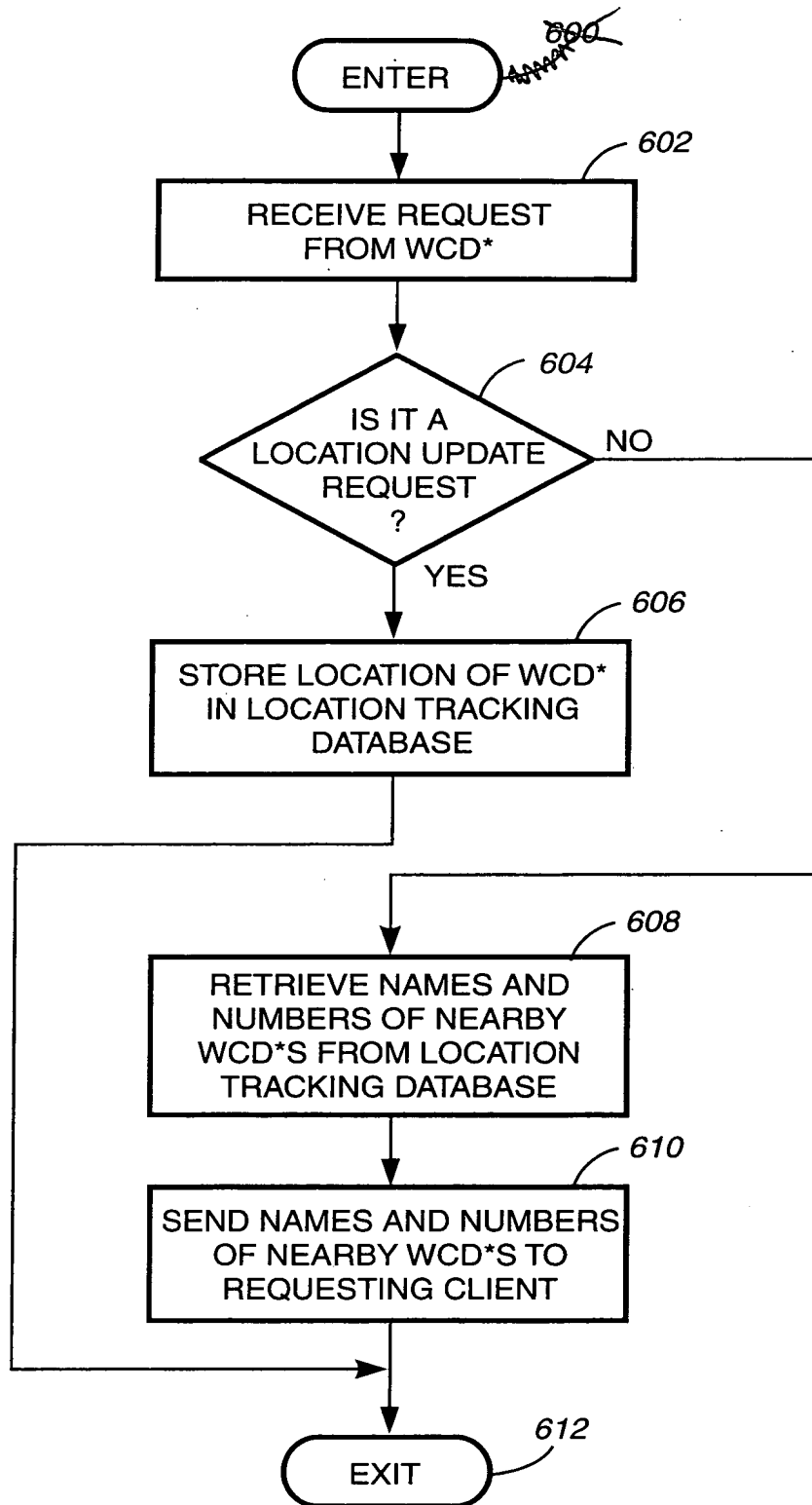


\* WCD MEANS "WIRELESS COMMUNICATION DEVICE"

**FIG. 5**



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\* WCD MEANS "WIRELESS COMMUNICATION DEVICE"

**FIG. 6**

